

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:12-HC-2316

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	CERTIFICATION OF A
	)	SEXUALLY DANGEROUS PERSON
MICHAEL MCBRIDE,	)	AND PETITION
Register Number 11349-045,	)	
	)	
Respondent.	)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Based on the above, the United States hereby petitions the Court to commit the Respondent to the custody of the Attorney General, pursuant to 18 U.S.C. § 4248(d).

Respectfully submitted, this 21st day of December, 2012.

THOMAS G. WALKER  
United States Attorney

By: /s/ W. Ellis Boyle  
W. ELLIS BOYLE  
Assistant United States Attorney  
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N.C. Bar # 33826

CERTIFICATE OF SERVICE

This is to certify that I have this 21st day of December, 2012, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and placing the envelope in the U.S. mail for delivery to:

MICHAEL MCBRIDE  
Reg. No. 11349-045  
FCI Butner  
P.O. Box 1000  
Butner, NC 27509

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender  
150 Fayetteville Street Mall  
Suite 450  
Raleigh, North Carolina 27601

/s/ W. Ellis Boyle  
W. ELLIS BOYLE  
Assistant United States Attorney  
Civil Division  
U.S. Attorney's Office  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:12-HC-2316

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	ORDER
	)	
MICHAEL MCBRIDE,	)	
Register Number 11349-045,	)	
	)	
Respondent.	)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this Court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the appointment of a mental health examiner of the Respondent's choosing. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

Any and all future forensic reports, and other such psychological and psychiatric reports or documents relevant to this case, whether such reports are produced by the Federal Bureau of Prisons, independent examiners appointed by order of this Court, or other mental health professionals, shall be filed with this Court under seal, without need of further motion to seal, by either party. Further the Clerk is DIRECTED to permanently seal these reports in accordance with Local Civil Rule 79.2(b), E.D.N.C.

The Court hereby notifies the parties that in light of the provisions of the November 14, 2011, Standing Order, the parties will not be required to conduct an initial scheduling conference pursuant to Fed. R. Civ. P. 26(f).

This \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

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United States District Judge

### **CERTIFICATION OF A SEXUALLY DANGEROUS PERSON**

(1) I, Ivonne E. Bazerman, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248.

(2) Bureau records reflect the following: Inmate Michael W. McBride, Register Number 11349-045, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 5-month term of imprisonment and a life term of supervised release, following the revocation of his supervised release. His original sentence was a 36-month term of imprisonment and a life term of supervised release, following his conviction for Failure to Register as a Sex Offender, in violation of 18 U.S.C. § 2250(a) (D. N.H.) (Case No. 09-cr-119-01-PB). His projected release date is December 31, 2012.

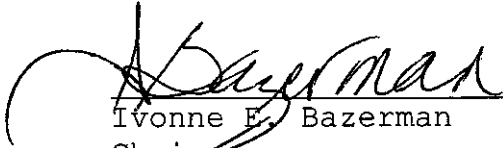
(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation, as evidenced by his prior convictions for: three charges of Sodomy and two charges (six specifications) of Indecent Act, in a general court-martial convened at Marine Corps Air Ground Combat Center, Twentynine Palms, California (No. 07-93), for engaging in sexual conduct with five male victims under the age of ten, to include fondling the genitals of more than one victim, performing oral sex on a victim, inserting his finger in a victim's anus, inserting his penis in a victim's anus, asking a victim to fondle his penis, and exposing his penis to a victim;

(b) A psychological review and assessment indicated an Axis I diagnosis of Pedophilia, Sexually Attracted to Both, Non-exclusive Type; and an Axis II diagnosis of Antisocial Personality Disorder;

(c) A review and assessment of him using an actuarial risk assessment instrument (Static-99R) was conducted. This result, in addition to his prior offense conduct, failure to cooperate with supervision, significant, negative social influences, intimacy deficits, poor general self-regulation, and poor sexual self-regulation, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

  
Ivonne E. Bazerman  
Chairperson  
Certification Review Panel  
Federal Bureau of Prisons

12/20/2012  
Date